

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA**

IN THE MATTER OF)	Case No. BK 17-80174-TLS
)	
JN MEDICAL CORPORATION)	Chapter 11
)	
Debtor.)	

**MOTION FOR EXAMINATION OF THIRD-PARTIES
PURSUANT TO FED. R. BANK. P. RULE 2004**

COMES NOW JN Medical Corporation, debtor and debtor-in-possession ("Debtor") in the above captioned Chapter 11 bankruptcy case (the "Case"), pursuant to 11 U.S.C. §105 and Fed. R. Bank. P, 2004 ("Rule"), and in support of its *Motion for Examination of Third Parties Pursuant to Fed. R. Bank. R. 2004*, states and alleges as follows:

1. On February 15, 2017 (the "Petition Date"), the Debtor filed its voluntary petition for relief under Chapter 11 of the Bankruptcy Code in the United States Bankruptcy Court for the District of Nebraska (the "Court").
2. The Debtor remains in possession its assets, and continues to operate pursuant to 11 U.S.C. §§ 1107 and 1108.
3. The Court has jurisdiction over this Motion pursuant to 28 U.S.C. §1334.
4. This matter is a core proceeding pursuant to one or more provisions of 28 U.S.C. § 157(b).
5. Venue is proper in this district and in this Court pursuant to 28 U.S.C. §§ 1408 and 1409.
6. Pursuant to Rule 2004(A), the Court may order the examination of "any entity" upon "motion for any party in interest." Pursuant to Rule 2004(B), the examination of an entity may

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relate to "acts, conduct, or property or to the liabilities and financial condition of the debtor, or to any matter which may affect the administration of the debtor's estate."

7. As noted by the North Dakota Bankruptcy Court¹, "The scope of a Rule 2004 examination is broader than the scope of discovery under Rule 26 of the Federal Rules of Civil Procedure. The exploration can be in the nature of a fishing expedition. The examination may be exploratory and groping and may be as searching to him as appears proper. The request for discovery concerning debtor's assets and financial affairs may include examination of the debtor and/or third parties." *In re Hentz*, No. BR 12-30114, 2012 WL 2263121, at *2 (Bankr. D.N.D. June 18, 2012) *internal citations omitted*.

8. As detailed in the Declaration of Kevin Aramalla that is filed contemporaneously herewith – the facts of which need not be duplicated herein – there are open and ongoing questions involving Debtor and the parties subject to this motion, including questions relating to the Debtor's assets, the Debtor's debt obligations, inter-creditor dealings, and dealings with the Debtor's former CEO. These questions are among the reasons Debtor sought protection in this Court.

9. As such, the Debtor requests that the Court enter an order granting this Motion and ordering the parties / creditors and/or their representatives listed below to submit for a Rule 2004 examination. The Debtor intends to submit written request for documents and, if necessary, written requests or demands for depositions to be taken.

10. The parties the Debtor will seek to exam pursuant to Rule 2004 are:

I. Dr. Jeeri Reddy – the Debtors former CEO;

¹ The Honorable Judge Hastings presiding.

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- II. Great Elm Capital Group, Inc. / Great Elm Capital Corp. / Great Elm Capital Management – a potential creditor of the Debtor;
- III. Auro Vaccines, LLC – a potential creditor of the Debtor;
- IV. Aurobindo Pharma USA, LLC / Aurobindo Pharma U.S.C., Inc. – a potential creditor of the Debtor; and
- V. Full Circle Capital Corporation – a potential creditor of the Debtor.

WHEREFORE, the Debtor respectfully prays that this Court make and enter an Order granting this Motion, and granting such other and further relief as this Court may deem proper

Respectfully submitted this 28th day of February, 2017.

JN MEDICAL CORPORATION, Debtor

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